

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-4, 6-12, and 17-20 have been rejected. Claims 1, 9, 17-18, and 20 have been amended. Accordingly, Claims 1-18 and 20 will be pending in the present application upon entry of this Reply and Amendment, with Claims 5 and 13-16 currently being withdrawn from consideration by the Examiner.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Amendments

Claim 20 has been amended to correct the claim dependency issue. Claim 20 now depends directly from independent Claim 17.

Claims 1, 9, and 17-18 have been amended to remove the term “selective epitaxial growth” therefrom.

Claim Rejections

Each of Claims 1-18 and 20 currently stands rejected based at least in part on U.S. Patent No. 7,029,988 to Ohnishi et al. As stated by the Examiner in the August 21, 2006 Office Action:

This application claims priority as a continuation in part (CIP) to 10/341848, 10/341863, 10/358966, and 10/389456. None of the priority applications teach or suggest epitaxial growth of a semiconductor or metal directly in contact with the trench sidewalls and in direct contact with the silicon-germanium and strained silicon layers. Thus the document Ohnishi (US007029988B2, US priority date 5/28/03) is applicable.

While the Applicants do not necessarily agree with or acquiesce in the Examiner's assertion (as outlined above and in the Advisory Action dated December 6, 2006), the Applicants

have nevertheless amended Claims 1, 9, and 17-18 to remove the term “selective epitaxial growth.”

The present application is a Continuation-in-Part of U.S. Patent Application No. 10/389,456 (filed March 14, 2003), U.S. Patent Application No. 10/341,863 (filed January 15, 2003), U.S. Patent Application No. 10/358,966 (filed February 5, 2003), and U.S. Patent Application No. 10/341,848 (filed January 15, 2003) (referred to collectively as “the priority applications”).

The filing dates of each of the priority applications is before the May 28, 2003 filing date of U.S. Patent Application No. 10/445,927 (“the ‘927 patent ”), which is the parent of Ohnishi et al. (i.e., May 28, 2003 is assumed to be the effective filing date of Ohnishi et al.).

The subject matter recited in each of Claims 1-18 and 20 finds support in at least one of the priority applications (as outlined, for example, in the Amendment and Reply filed October 19, 2006), and as such, each of Claims 1-18 and 20 are entitled to a priority date that is earlier than the May 28, 2003 effective filing date of Ohnishi et al.

Accordingly, Ohnishi et al. is not available as prior art against the pending claims of the present application. Reconsideration and withdrawal of the rejections of Claims 1-18 and 20 under 35 U.S.C. §§ 102 and 103 is respectfully requested.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 12/20/2006

FOLEY & LARDNER LLP
Customer Number: 34083
Telephone: (313) 234-7150
Facsimile: (313) 234-2800

By 

Marcus W. Sprow
Attorney for Applicant
Registration No. 48,580